



Practitioner's Docket No. 17616-832

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Philippon

Serial No.: 09/624,689

Filed: July 24, 2000

For: Method and Apparatus for Treating
Osteochondral Pathologies

Group No.: 3738

Examiner: Not Yet Assigned

#7A
ALBERS
9/26/01

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, DC 20231

Sir:

In response to Examiner's Restriction Requirement mailed September 10, 2001, (Paper No. 6), Applicants respectfully request reconsideration of the above-referenced application in view of the following amendments and remarks.

Please amend the above-referenced application as follows:

RECEIVED
SEP 26 2001
1630 MAIL ROOM

In the Claims

Please cancel claims 1-8 and 17-21 without prejudice to their presentation in one or more divisional applications.

REMARKS

Claims 9-16 and 22-23 are pending. Claims 1-8 and 17-21 have been cancelled. No claims have been amended or are newly presented.

The Examiner has issued two restriction requirements alleging that the application claims five separate inventions. Specifically, the Examiner restricts the claims into Group 1 (claims 1-6 and 19-23), drawn to an implantable prosthesis, surgical instrument kit for treating osteochondral pathologies; and Group 2 (claims 17-18), drawn to method of treating osteochondral pathologies. Group 1 is further subdivided into Group 3 (claims 1-8), drawn to an implantable prosthesis for